

**PTO FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 1700

**Complete if Known**

Application Number 09/920,432

Filing Date August 1, 2001

First Named Inventor Cuckler

Examiner Name

Group / Art Unit

Attorney Docket No. 10557/247605

**RECEIVED**  
**MAR 29 2002**  
**OFFICE OF PETITIONS**

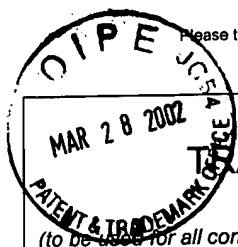
METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																		
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 11-0855</p> <p>Deposit Account Name KILPATRICK STOCKTON LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>130</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>1440</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>130</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p> <p><b>SUBTOTAL (3) (\$)</b> 1700</p>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	130	127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55		116	400	216	200		117	920	217	460		118	1,440	218	720	1440	128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	55		141	1,280	241	640		142	1,280	242	640		143	460	243	230		144	620	244	310		122	130	122	130	130	123	50	123	50		126	180	126	180		581	40	581	40		146	740	246	370		149	740	249	370		179	740	279	370		169	900	169	900	
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**SUBMITTED BY**

Name (Print/Type)	Registration No. Attorney/Agent)	Telephone
Kristin D. Mallatt	46,895	404.815.6147
Signature	Date	March 18, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/21 (06/98)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/920,432	
	<b>Filing Date</b>	August 1, 2001	
	<b>First Named Inventor</b>	Cuckler	
	<b>Group Art Unit</b>		
	<b>Examiner Name</b>		
<b>Total Number of Pages in this Submission</b>	72	<b>Attorney Docket Number</b>	10557/247605

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MAR 29 2002

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**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below)  Notice to File Missing Parts of Reissue Application; Petition Under 37 CFR 1.47(a) including original declarations of inventors, Statement Under 37 CFR 3.73(b), Declaration of William B. Clemmons, Jr., and Declaration of Kristin D. Mallatt
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm Or Individual Name</b>	Kristin D. Mallatt, Reg. No. 46,895 Kilpatrick Stockton LLP	<b>Customer Number 23370</b>
<b>Signature</b>	<i>Kristin Mallatt</i>	
<b>Date</b>	March 18, 2002	

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service via certified mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on this date: March 18, 2002.

Typed or printed name

Rebecca L. Smith

<b>Signature</b>	<i>Rebecca L. Smith</i>	<b>Date</b>	March 18, 2002
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/920,432	08/01/2001	John M. Cuckler	10557/247605

CONFIRMATION NO. 6380

## FORMALITIES LETTER



\*OC000000006561398\*

23370  
JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA, GA 30309

Date Mailed: 09/17/2001

## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

*Filing Date Granted*

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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MAR 29 2002

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# 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John M. Cuckler, et al.

**RECEIVED**

Serial No.: 09/920,432

Group Art Unit:

MAR 29 2002

Filed: August 1, 2001

Examiner:

**OFFICE OF PETITIONS**

For: ACETABULAR RING PROSTHESIS WITH REINFORCEMENT  
MEMBER

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No. 10557/247605  
Date: March 18, 2002

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
REISSUE APPLICATION AND PETITION UNDER 37 CFR 1.47(a)

Sir:

Co-Applicants Joseph Schatzker, Allan E. Gross, Constance E. Johnston,  
David C. Kelman and Timothy McTighe, through the undersigned attorney, submit  
this response to the Notice to File Missing Parts of Application mailed on September  
17, 2001, along with this petition under 37 CFR 1.47(a).

STATEMENT OF FACTS

A. Oath/Declaration

Attached as Exhibit 1 are Reissue Application Declarations by the Inventors as  
required by 37 CFR 1.63 and 1.64 or 1.175 executed by Joseph Schatzker, Allan E.  
Gross, Constance E. Johnston, David C. Kelman and Timothy McTighe.

B. Statement under 37 CFR 3.73(b)

Attached as Exhibit 2 is a Statement under 37 CFR 3.73(b) signed by an  
authorized representative of Assignee Smith & Nephew, Inc.

C. Proof that the Applicant/Inventor Refuses to Execute the Application Papers

Attached as Exhibit 3 is a declaration by William B. Clemmons, Jr., setting forth documentation evidencing that John M. Cuckler has refused to sign the required documentation.

Attached as Exhibit 4 is a declaration by Kristin D. Mallatt, setting forth documentation evidencing that John M. Cuckler has refused to sign the required documentation.

D. Statement of Last Known Address

The last known address of Applicant/Inventor John M. Cuckler is:


John M. Cuckler  
3410 East Briarcliff Road  
Birmingham, Alabama 35223

Co-Applicants Joseph Schatzker, Allan E. Gross, Constance E. Johnston, David C. Kelman and Timothy McTighe respectfully request that this petition be granted and that the application be accepted and a filing date assigned.

The Commissioner is authorized to charge any additional fees which may be due, or credit any overpayment, to Deposit Account No. 11-0855.

U.S. Serial No. 09/920,432  
PETITION UNDER 37 CFR 1.47(a)  
Filed: August 1, 2001

Respectfully submitted,

A handwritten signature in cursive script that reads "Kristin D. Mallatt". The signature is fluid and elegant, with a long, sweeping tail on the final letter.

Kristin D. Mallatt  
Reg. No. 46,895

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309  
(404) 815.6147